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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,131	04/29/2005	Rodolfo Caroli	023349-00303	4162

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
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WASHINGTON, DC 20036

EXAMINER

SELLS, JAMES D

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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01/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Office Action Summary	Application No. 10/533,131	Applicant(s) CAROLI, RODOLFO	
	Examiner James Sells	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 2,12,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 10 and 15-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Saito et al (JP03261540).

Regarding claim 1, Saito discloses a method for continuous welding and cutting of a plastic sheet. As shown in the figures, the device used to perform this method comprises a device for sealing a web (15a and 15b) of material, comprising means (11) for emitting ultrasonic radiation, and a contact means roller (12) acting in conjunction with the emitting means (11) in a sealing area, the device being characterized in that the contact means roller (12) being equipped with at least one cutting surface (12b) designed to interact with a matching cutting edge (11b) of a sealing end (11a) of the emitting means (11) so as to simultaneously seal and cut the web of material (15a and 15b), wherein said cutting surface (12b) of the contact roller (12) and said matching cutting edge (11b) of the sealing end (11a) of the emitting means (11) create a scissors effect that cuts off the parts in excess or trimmings (17) from the sealed web (15a and 15b) when the web (15a and 15b) is advanced longitudinally and the contact roller (12) is revolved. See Figs. 1-5.

Regarding claim 8, Saito discloses a device (11) for emitting ultrasounds for sealing a web of material (15a and 15b), comprising a sealing end (11a), characterized in that said sealing end (11a) has having a cutting surface (11b) for cutting the web (15a and 15b), wherein the cutting surface (11b) consists of a sharp cutting edge of a stepped surface of the sealing end (12). See Figs. 1-3.

Regarding claim 10, the stepped surface of the cutting edge is shown with a quadrangular cross section. See Fig. 3

Regarding claim 15, the cutting surface (11b) of the means (11) consists of a sharp cutting edge of a stepped surface of the sealing end (11a). See Figs. 1-3.

Regarding claim 16, the stepped surface of the cutting edge is shown with a quadrangular cross section. See Fig. 3

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the sharp edge" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

5. Claims 2, 12 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 4-7, 11, 13-14 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 10/10/2007 have been fully considered but they are not persuasive.

Applicant argues Saito does not create a scissors effect to cut the materials as claimed by the applicant. The examiner does not agree. As shown in Fig. 3 of Saito, section 11b of ultrasonic horn 11 projects beyond sealing surface 11a. This section 11b cooperates with cutting edge 12b of roller 12 thus creating a scissors effect in the manner claimed by the applicant. Therefore applicant's argument is believed to be incorrect in this instance.

Regarding claim 8, applicant argues Saito does not discloses a sharp cutting edge. The examiner does not agree. As shown in Figs. 2-3 of Saito, ultrasonic horn 11 is shown with a sharp cutting edge 11b. Therefore applicant's argument is believed to be incorrect in this instance.

Telephone/Fax

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is 571-272-1237. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/James Sells/
James Sells
Primary Examiner
Technology Center 1700